



<b>Return</b>		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name(s) of any person(s) seized:		
<b>Certification</b>		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>Date: _____</p> </div> <div style="width: 65%;"> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Executing officer's signature</i></p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Printed name and title</i></p> </div> </div>		

**ATTACHMENT A**

***Person to be searched***

The person to be searched is **Kwesen L. SANDERS (DOB XX/XX/1995)**.

**ATTACHMENT B**

***Property to be seized***

The property to be seized is saliva containing epithelial cells by buccal swab.

Dec 04, 2023

s/ JDH

Deputy Clerk, U.S. District Court  
Eastern District of Wisconsin

## UNITED STATES DISTRICT COURT

for the  
Eastern District of WisconsinIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)collect an oral swab of DNA from  
Kwesen L. SANDERS (DOB XX/XX/1995).

Case No. 23-M-488 (SCD)

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Please see Attachment A.

located in the Eastern District of Wisconsin, there is now concealed (identify the person or describe the property to be seized):

Please see Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(g)(1)	Felon in Possession of a Firearm
18 U.S.C. § 924(c)	Possession of a Firearm in furtherance of a Federal Drug Trafficking Crime
21 U.S.C. §§ 841(a)(1) and 84	Distributing and Conspiracy to Distribute a Controlled Substance

The application is based on these facts:

Please see Affidavit.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

ND-110

Applicant's signature

Ndiva Malafa, Task Force Officer, ATF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
telephone (specify reliable electronic means).

Date: 12-4-23

Stephen C. Dries

Judge's signature

City and state: Milwaukee, WI

Honorable Stephen C. Dries, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR SEARCH WARRANT**

I, Ndiva Malafa, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant to collect an oral swab of DNA from Kwesen L. SANDERS (DOB XX/XX/1995).

2. I am a Task Force Officer (TFO) of the United States Justice Department, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), currently assigned to the Milwaukee Field Office. I have been so employed, as a law enforcement officer, with the Milwaukee Police Department since December 2014. I have been assigned to the ATF Task Force since February 2022. My duties with ATF include investigating alleged violations of the federal firearms, explosives, and arson statutes.

3. I completed approximately 26 weeks of basic training at the Milwaukee Police Departments Training Academy (Milwaukee, WI) and a three-day ATF Task Force Officer orientation/training at ATF's Headquarters (Washington DC). The training included courses related to constitutional law and search and seizure. I also received training on conducting criminal investigations, including interviews, surveillance, and evidence collection.

4. My most recent position is with the Milwaukee Police Department in Milwaukee, Wisconsin, where I am a Patrol Officer assigned to the Criminal Investigations Bureau – Special Investigations Division as a TFO with the ATF.

5. During my career as a Police Officer, I have attended additional training in areas including firearm investigation, gang investigations, and drug investigations.

6. The information below is known to me through my personal knowledge, training, and experience, and through information provided to me by other law enforcement officers, who

have provided information to me during their official duties and whom I consider to be truthful and reliable.

7. Based on the circumstances described below, there is probable cause to believe that Kwesen L. Sanders (DOB XX/XX/1995) committed firearm and controlled substances offenses in the Eastern District of Wisconsin, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8) (felon in possession of a firearm) and 924(c) (use of a firearm during drug trafficking), and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) (possession with intent to distribute controlled substances). Since this affidavit is only for the limited purpose of securing a search warrant to obtain DNA, I have not set forth each and every fact known to me concerning this investigation. I have included what I believe are facts sufficient to establish probable cause for the warrant sought.

#### **PROBABLE CAUSE**

8. On August 8, 2023, officers with the Milwaukee Police Department (MPD) observed a black 2021 Honda Civic, bearing WI registration plate ATA-8493, with illegal window tint. MPD officers were able to observe the driver, through the front windshield, as black male, late 20's, dark complexion, with golden grill in his teeth. Eventually, officers identified the driver as Kwesen L. SANDERS (DOB XX/XX/1995).

9. Once in the area of South 22nd Street and West Greenfield Avenue, officers observed SANDERS operating the Honda Civic at a high rate of speed, in an attempt to evade law enforcement detection. Officers then attempted to conduct a traffic stop of the Honda Civic by activating their emergency lights and sirens. SANDERS, who was the sole occupant and driver of the Honda Civic, disregarded the officer's emergency lights and sirens and proceeded to flee at a high rate of speed, initiating a vehicle pursuit. During the pursuit, SANDERS operated at least twice over the posted speed limit with his vehicle lights extinguished. This created a substantial

risk for collision with other vehicles and pedestrians, thus showing an utter disregard for human life and safety.

10. The pursuit concluded in the 2600 block of West Highland Boulevard, Milwaukee, Wisconsin, with a total distance of 2.20 miles. At the conclusion of the pursuit, SANDERS egressed from the driver's seat of the Honda Civic and fled on foot from a uniformed MPD officer. Officers were unable to locate SANDERS.

11. MPD officers responded back to the abandoned Honda Civic and conducted a search of the vehicle. The following items were recovered:

- a. A black Glock 19, 9mm, handgun with a rear Machine Gun Conversion Device (Glock Switch), and a 31-round capacity extended magazine;
- b. a knotted sandwich baggie containing a white chunky substance which was suspected cocaine, located inside a black backpack on the driver floorboard;
- c. a knotted sandwich baggie containing an orange chunky substance which was suspected methamphetamines, located inside a black backpack on the driver floorboard;
- d. a knotted sandwich baggie containing a dark gray chunky substance which was suspected heroin, located inside a black backpack on the driver floorboard;
- e. a knotted sandwich baggie containing six (6) individual corner cut baggies of a dark gray chunky substance which was suspected heroin, located inside a black backpack on the driver floorboard;
- f. a digital scale located inside a black backpack on the driver floorboard;
- g. a Wisconsin Driver's License addressed to SANDERS, located in the center console;
- h. a Vehicle Services Division paperwork addressed to SANDERS, located in the



center console;

- i. a pay stub from Crossroads Care Center of Pewaukee addressed to SANDERS, located in the center console; and
  - j. two cell phones located between the driver's seat and center console, further described as a red Apple iPhone (MPD Inventory #23025777, Item #2) and a blue Apple iPhone (MPD Inventory #23025777, Item #3).
12. Law enforcement tested the suspected cocaine to the Nark II#7 test and received a positive result for cocaine with a total weight of 3.92 grams.
13. The suspected methamphetamine was tested using the Nark II#01/15 and tested positive for methamphetamine with a total weight of 6.02 grams.
14. The suspected heroin was tested using the Nark II#11 and tested positive for opiates and fentanyl with a total weight of 2.7 grams.
15. The suspected heroin was tested using the Nark II#11 and tested positive for opiates and fentanyl with total weight of 1.23 grams.
16. Officers conducted a Wisconsin Department of Transportation search of the Honda Civics registration plate (ATA-8493). This search revealed the vehicle's registered owner was SANDERS.
17. Based on the weight of the drugs, the packaging, the presence of a firearm, multiple cell phones, and a digital scale, it appears the controlled substances were for distribution and not personal use.
18. As a result of the aforementioned incident, a Milwaukee County criminal complaint was filed charging SANDERS with Vehicle Operator Flee/Elude, 2nd Degree RES, Possession with intent Cocaine, Possession with intent Heroin and Possession of a Machine Gun – reference Milwaukee County Court case number 2023CF003797. Furthermore, an arrest warrant was issued

for SANDERS on August 23, 2023.

19. SANDERS is a convicted felon. On December 18, 2017, SANDERS was convicted in the Eastern District of Wisconsin (Case No. 17-CR-23) of one count of possession with intent to distribute heroin in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) and possession of a firearm in furtherance of drug trafficking in violation of 18 U.S.C. § 924(c)(1)(A)(i). SANDERS was sentenced to 70 months in prison, followed by five years of supervised release. Based upon several alleged violation of his supervised release, include the aforementioned felony charges filed in Milwaukee County Circuit Court, an arrest warrant for SANDERS was issued by Chief District Court Judge Pamela Pepper for violations of supervised release.

20. On November 28, 2023, members of the United States Marshal Service (USMS) and MPD's Special Investigations Division conducted a subject wanted check at 2234 North 15th Street, Milwaukee, Wisconsin, based upon information that SANDERS was residing at that address. SANDERS was located and arrested at this location. A search incident to an arrest revealed a black iPhone with a clear hard case (MPD Inventory #23037443, item #1), which was located on SANDERS' person.

21. A residential consent search revealed the following items of evidence:

- a. a black Taurus .357 revolver;
- b. a silver and black Taurus, 9mm, semi-automatic handgun; and
- c. a black Taurus G2C, 9mm, semi-automatic handgun.

22. I intend to submit the DNA swabs recovered from the firearms recovered on August 8, 2023, and November 28, 2023, to the State Crime Laboratory for DNA analysis. The lab requests a standard buccal swab of DNA from the suspect, SANDERS.

## **CONCLUSION**

23. Based on my training and experience, I know that by comparing the DNA collected from distinct items believed to be worn, touched, or held in connection with an offense with the standard sample of DNA of the suspect, it is possible to ascertain additional evidence of a person's involvement in the offense. Based upon the aforementioned, I believe that by taking an oral swab of the inside of SANDERS cheek, there can now be found additional evidence of his involvement in the federal firearm offense discussed above.

**ATTACHMENT A**

***Person to be searched***

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**ATTACHMENT B**

***Property to be seized***

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